

REMARKS/ARGUMENTS

Favorable consideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-5, 7, 8, 10, 11 and 13-19 are presently pending in this application, Claims 8, 13 and 14 having been withdrawn from further consideration by the Examiner, and Claims 1-5, 7, 10, 11 and 15-19 having been amended by the present amendment.

In the outstanding Office Action, Claims 3 and 15 were objected to under 37 C.F.R. §1.75(c) for being of improper dependent form; Claim 10 was rejected under 35 U.S.C. §112, first paragraph, as containing subject matter not enabling to one skilled in the relevant art; Claims 2-5, 7, 10, 11 and 15-19 were rejected under 35 U.S.C. §112, second paragraph, for being indefinite; Claims 10 and 11 were rejected under 35 U.S.C. §102(b) as being anticipated by Rollings et al. (U.S. Patent 5,340,648); Claims 1-4 and 15-17 were rejected under 35 U.S.C. §103(a) as being unpatentable over Hodgson (U.S. Patent 3,654,835) in view of Yilgor et al. (U.S. Patent 5,389,430); and Claims 5, 7, 18 and 19 were rejected under 35 U.S.C. §103(a) as being unpatentable over Hodgson in view of Yilgor et al., and further in view of Clavin (U.S. Patent 4,653,483).

In response to the objection and rejections under 35 U.S.C. §112, first and second paragraphs, Claims 1-5, 7, 10, 11 and 15-19 have been amended to clarify the subject matter recited therein. Also, these amendments are believed to find clear support in the original disclosure of the present application. In particular, amended Claim 10 is believed to be supported by, for example, Fig. 14 showing the string member 31. Therefore, these claims are believed to be in compliance with the requirements of the statutes. If, however, the Examiner disagrees, the Examiner is invited to telephone the undersigned who will be happy to work in a joint effort to derive mutually agreeable claim language.

Briefly, Claim 1 as currently amended is directed to double eyelid forming article of manufacture for forming a fold on an eyelid of a user, and this article includes a resilient stretchable tape member and a layer of adhesive. The tape member is adhered onto an eyelid in a stretched state in a longitudinal direction of the tape member to form a double eyelid. The tape member has an adjustable length and has flat upper and lower surfaces in a cross section perpendicular to the longitudinal direction. Also, the tape member has, along the longitudinal direction, straight side edges and a uniform cross section in an unstretched state. The layer of adhesive is provided on at least one of the flat upper and lower surfaces of the tape member. Furthermore, the tape member is comprised of a synthetic resin material which has sufficient resilient stretchability such that even after the tape member is stretched, the synthetic resin material of the tape member allows an amount of recoil back to the unstretched state of the tape member to form the double eyelid, and the resiliently stretchable tape member provides a length sufficient to form the fold on the eyelid and a width sufficient to form the fold by breaking into the eyelid when the resiliently stretchable tape member is stretched, pressed and adhered to the eyelid.

Clavin describes a cosmetic tape, but does not teach or suggest “a resiliently stretchable tape member configured to be adhered onto an eyelid in a stretched state in a longitudinal direction of the tape member to form a double eyelid, the tape member having an adjustable length and having flat upper and lower surfaces in a cross section perpendicular to the longitudinal direction, the tape member having, along the longitudinal direction, straight side edges and a uniform cross section in an unstretched state . . . , wherein the tape member comprises a synthetic resin material which has sufficient resilient stretchability such that even after the tape member is stretched, the synthetic resin material of the tape member allows an amount of recoil back to the unstretched state of the tape member to form the double eyelid,

and the resiliently stretchable tape member provides a length sufficient to form a fold on the eyelid and a width sufficient to form the fold by breaking into the eyelid when the resiliently stretchable tape member is stretched, pressed and adhered to the eyelid” as recited in amended Claim 1. On the other hand, Clavin discusses a cosmetic tape designed to form a double eyelid by only attaching the tape to the eyelid. As such, the Clavin tape has curved edges along its longitudinal direction. Therefore, the article of Claim 1 is clearly distinguishable from Clavin.

Hodgson is concerned with vapor-permeable adhesive materials. However, Hodgson is not believed to teach or suggest “a resiliently stretchable tape member configured to be adhered onto an eyelid in a stretched state in a longitudinal direction of the tape member to form a double eyelid, the tape member having an adjustable length and having flat upper and lower surfaces in a cross section perpendicular to the longitudinal direction, the tape member having, along the longitudinal direction, straight side edges and a uniform cross section in an unstretched state ..., wherein the tape member comprises a synthetic resin material which has sufficient resilient stretchability such that even after the tape member is stretched, the synthetic resin material of the tape member allows an amount of recoil back to the unstretched state of the tape member to form the double eyelid, and the resiliently stretchable tape member provides a length sufficient to form a fold on the eyelid and a width sufficient to form the fold by breaking into the eyelid when the resiliently stretchable tape member is stretched, pressed and adhered to the eyelid” as recited in Claim 1 as currently amended. Specifically, Hodgson merely describes pressure-sensitive adhesive material for use on animal skin and nails, and does not discuss a tape member which has sufficient resilient stretchability to allow an amount of recoil back to the unstretched state to form the double eyelid and provides a length sufficient to form a fold on the eyelid and a width sufficient to

form the fold by breaking into the eyelid. Hence, Claim 1 is believed to be distinguishable from Hodgson.

Yilgor et al. is directed to vapor-permeable adhesive polymers, but fails to teach or suggest the resiliently stretchable tape member as recited in amended Claim 1. Specifically, Yilgor et al. simply describes adhesive polymers to be used as surgical garments and drapes, and fails to discuss a tape member which is comprised of a material having sufficient resilient stretchability to allow an amount of recoil back to the unstretched state of the tape member and form the double eyelid. Therefore, the article of Claim 1 is believed to be distinguishable from Yilgor et al.

Because none of Clavin, Hodgson and Yilgor et al. discloses the tape member as recited in amended Claim 1, even the combined teachings of these cited references are not believed to render the subject matter recited in Claim 1 obvious.

Turning now to Claim 10, Claim 10 as currently amended is directed to a double eyelid forming article of manufacture, and the article includes a resiliently stretchable string member and a layer of adhesive. The resiliently stretchable string member is adhered onto an eyelid in a stretched state in a longitudinal direction of the string member to form a double eyelid. The resiliently stretchable string member has an adjustable length and has arcuate upper and lower surfaces in a cross section perpendicular to the longitudinal direction. Also, the string member has, along the longitudinal direction, straight edges and a uniform cross section in an unstretched state. The layer of adhesive is provided on at least one of the arcuate upper and lower surfaces of the string member. Furthermore, the string member is comprised of a synthetic resin material which has sufficient resilient stretchability such that even after the string member is stretched, the synthetic resin material of the string member allows an amount of recoil back to the unstretched state of the string member to form the

double eyelid, and the resiliently stretchable string member provides a length sufficient to form a fold on the eyelid and a width sufficient to form the fold by breaking into the eyelid when the resiliently stretchable string member is stretched, pressed and adhered to the eyelid.

Rollins et al. is related to a threadlike elastic strand and fails to teach or suggest “a resiliently stretchable string member configured to be adhered onto an eyelid in a stretched state in a longitudinal direction of the string member to form a double eyelid, the string member having an adjustable length and having arcuate upper and lower surfaces in a cross section perpendicular to the longitudinal direction, the string member having, along the longitudinal direction, straight edges and a uniform cross section in an unstretched state ..., wherein the string member comprises a synthetic resin material which has sufficient resilient stretchability such that even after the string member is stretched, the synthetic resin material of the string member allows an amount of recoil back to the unstretched state of the string member to form the double eyelid, and the resiliently stretchable string member provides a length sufficient to form a fold on the eyelid and a width sufficient to form the fold by breaking into the eyelid when the resiliently stretchable string member is stretched, pressed and adhered to the eyelid” as recited in Claim 10 as currently amended. Specifically, Rollins et al. simply describes an elastic strand which has a filament of adhesive helically wrapped thereon and is attached to clothlike materials such as diapers. Thus, the double eyelid forming article of Claim 10 is believed to be clearly distinguishable from Rollins et al.

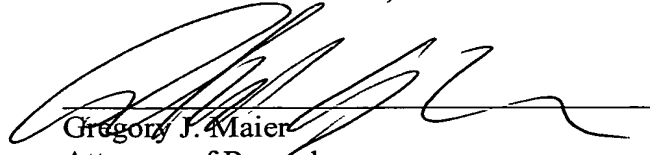
For the foregoing reasons, Claims 1 and 10 are believed to be allowable.

Furthermore, since Claims 2-5, 7, 11 and 15-19 depend directly or indirectly from either Claim 1 or 10, these claims are believed to be allowable as well.

In view of the amendments and discussions presented above, Applicant respectfully submits that the present application is in condition for allowance, and an early action favorable to that effect is earnestly solicited.

Respectfully submitted,

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